

**The Commonwealth of Massachusetts**  
**Department of Telecommunications and Energy**  
**Cable Division**

**TRANSFER BULLETIN 99-4**

June 28, 1999

To the Issuing Authorities licensed to MediaOne:

On June 21, 1999, MediaOne submitted a request to the Massachusetts Department of Telecommunications and Energy's Cable Television Division ("Cable Division" or "Division") to arrange a regional hearing process to review AT&T's application to acquire the cable franchises in the Massachusetts communities currently held by MediaOne, including those recently transferred, or currently in the process of being transferred, from Time Warner Cable and Cox Communications. This Bulletin serves as notice to all affected communities that the Cable Division has granted the request and is currently in the process of scheduling a number of regional transfer hearings. As we indicated in Transfer Bulletin 99-3, the further purpose of this Bulletin is to provide communities with more specific information about the regional transfer process, including dates and locations of the regional hearings, and to clearly explain each community's rights and duties under the regional transfer process.

The Cable Division expects that the FCC Form 394 transfer applications will be filed with you on or about July 14, 1999. As discussed in Transfer Bulletin 99-3, receipt of the filing triggers a maximum 120-day period during which an issuing authority must review, evaluate and render a decision on the proposed transfer. 47 U.S.C. § 537. In addition, as part of its review, the issuing authority must hold a public hearing within 60 days of the receipt of the Form 394. 207 CMR 4.03. Assuming a July 14 application date, all of the Cable Division's regional transfer hearings will be held by September 14, 1999.

The Cable Division is in the process of scheduling eleven regional hearings to be held in locations geographically convenient to as many communities as possible. The tentative locations of the hearings are as follows: Barnstable, Brockton, Burlington, Foxboro, Greenfield, Lowell, Malden, New Bedford, Newton, Springfield and Topsfield. The hearings will be scheduled beginning August 2, 1999 and continue through September 14, 1999. An issuing authority may attend any or all of the public hearings. However, for administrative and scheduling purposes, we are anticipating that issuing authorities will attend the hearing in the most convenient location.

The Cable Division will select a special magistrate to conduct the regional hearings. A Request For Responses has been posted at the Commonwealth of Massachusetts' Procurement Access & Solicitation System (Comm-PASS) web site at <http://www.comm-pass.com>. In addition, we have posted a link to this site at <http://www.state.ma.us/dpu/catv>. We anticipate the selection process should be complete by the week of July 19, 1999. The special magistrate

will be responsible for presiding over the hearings, collecting and evaluating information received during the process, and making *non-binding* recommendations to all participating issuing authorities. MediaOne has agreed, at its own expense, to provide tapes of the hearings to issuing authorities upon request. In addition, MediaOne has agreed in advance to respond to any further requests for information from issuing authorities, and will respond to all written questions. **Each issuing authority, including those who participate in the regional hearings, must ultimately consider the application and make a decision on whether or not to approve the transfer. If an issuing authority does not render a decision within 120 days of the date that the Form 394 is filed, federal law will deem the transfer application to be approved. 47 C.F.R. § 76.502(c).**

Issuing authorities are not required to participate in the regional hearings and may exercise their right to hold individual hearings that comply with the Cable Division's regulations. Moreover, issuing authorities that participate in the regional hearing process are not relinquishing their rights to hold additional hearings or meetings with the operators if necessary.

For planning purposes, issuing authorities who do not wish to participate in the regional hearing process must indicate so to the Cable Division before July 21, 1999. For your convenience, we have enclosed an addressed, postage-paid response card for you to return to the Cable Division. Those communities that do not "opt-out" of the Cable Division's regional transfer process will be deemed to be participants in the regional transfer process. Those issuing authorities participating in the regional hearing process will satisfy the public hearing requirement found in Section 7 of G.L. c. 166A.

We look forward to assisting each community as it moves through the transfer process. Please do not hesitate to contact us if you have questions. For further information about the license transfer process, please call Gordon Champion, Municipal Liaison, or Peter Corea, Assistant General Counsel, toll free at 888-622-2588. You may also e-mail us at [Mcable@state.ma.us](mailto:Mcable@state.ma.us).